REMARKS

Applicant is in receipt of the Office Action mailed March 26, 2007. Claims 10, 41, 46-47, 51, 53, and 58 have been amended. Claims 1-58 are pending in the case. Reconsideration of the present case is earnestly requested in light of the following remarks.

Information Disclosure Statement

The Office Action asserts that the IDS of June 20, 2006 is non-compliant, specifically, for failing to provide copies of foreign patent documents, and non-patent literature. Applicant respectfully submits a new Information Disclosure Statement and copies of the missing foreign patent documents and non-patent literature not available from the parent application, and requests that the Examiner give all references full consideration as they pertain to the current application.

Oath/Declaration

The Office Action asserts that the submitted oath or declaration is defective, specifically, for omitting citizenship information of an inventor. Applicant has submitted herewith a new oath or declaration that Applicant believes is compliant.

Specification

The Specification was objected to for lacking disclosure regarding Figures 9A and 10A. Applicant has amended the Specification accordingly, as indicated above, and respectfully requests removal of the objection to the Specification. No new matter has been entered.

Objections

Applicant has also corrected the typographical/cut/paste errors of claims 10, 46, 47, 53, and 58, and respectfully requests removal of the objections to these claims.

Section 112 Rejections

Claims 22, 23, 41, 42, and 51-58 were rejected under 35 U.S.C. 122, second paragraph, as being indefinite. More specifically, claims 22, 23, 41, and 42 were rejected for lacking antecedent basis for the term "block diagram". Applicant respectfully submits that antecedent basis for "block diagram" regarding claims 22 and 23 may be found in parent claim 21.

Claim 41 has been amended to depend from claim 40, which thus provides antecedent basis for the term "block diagram" for both claim 41 and claim 42.

Regarding claims 51-58, Applicant has amended independent claim 51 to introduce the term "a network" in the first clause, as indicated above, thus providing antecedent basis for the term "the network" for claims 51-58.

Removal of the Section 112 rejection of claims 22, 23, 41, 42, and 51-58 is respectfully requested.

Section 102

Claims 1-15, 18-20, 26-37, 45-56, and 58 were rejected under 35 U.S.C. 102(e) as being anticipated by Nichols et al (U.S. Patent No. 6,138,150, "Nichols"). Applicant respectfully traverses the rejection.

Claim 1 recites:

1. (Original) A method for executing a graphical program on a first computer and providing a user interface of the graphical program on a second computer, wherein the graphical program comprises a plurality of interconnected function icons representing graphical data flow of a desired function, the method comprising:

receiving user input to the second computer, wherein said user input specifies the graphical program on the first computer;

executing the graphical program on the first computer;

providing information describing the user interface of the graphical program to the second computer during said executing; and

displaying the user interface of the graphical program on the second computer after said providing;

wherein the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer.

Nowhere does Nichols teach or suggest **receiving user input to the second computer, wherein said user input specifies the graphical program on the first computer, wherein the graphical program comprises a plurality of interconnected function icons representing graphical data flow of a desired function**, as recited in claim 1.

Cited col.3:7-12 reads:

> A user logs on to the Internet in a conventional manner by entering the address or uniform resource locator (URL) to connect to the secure HTTP server at which point additional security such as a password will be required. Upon entry of a correct password the Hardware Management Console (HMC) home-page will be displayed.

Applicant respectfully notes that the cited text makes no mention of a user specifying a graphical program as claimed. Rather, the cited text describes the user connecting to a server by specifying an address or URL, and logging on to a hardware management console home-page, which is not a graphical program, and which is nowhere described in Nichols as a graphical program. As Nichols makes clear in the Abstract, the hardware management console is a web-hosted graphical interface for managing computer hardware components of a mainframe computer, where color-coded hardware component icons indicate the status of each component. Applicant respectfully notes that such a diagram of computer components is not a graphical program, and is not described as such in Nichols. In fact, Nichols nowhere teaches or suggests or even hints at a graphical program as claimed, i.e., comprising a plurality of interconnected function icons representing graphical data flow of a desired function, and nowhere mentions graphical data flow at all. Nichols describes the displayed icons thusly: "Each icon displayed under the banner represents a hardware view or an operating system view for the mainframe" (col.6:46-48).

Thus, Nichols fails to teach or suggest this feature of claim 1.

Nowhere does Nichols teach or suggest **executing the graphical program on the first computer**, as recited in claim 1.

Cited col.4:23-26 reads:

> Conventionally, a computing facility 21 comprising, for example, a mainframe computer system 22, comprising one or more CPCs, is operated from a local Hardware Management Console (HMC) in a central control room 24.

Applicant respectfully notes that the cited text makes no mention of executing a graphical program as claimed. Rather, the cited text describes operating a mainframe computer from the hardware management console, which, as noted above, is a web-hosted graphical interface for managing computer hardware components of a mainframe computer, where color-coded hardware component icons indicate the status of each component, and is not a graphical program as claimed. Nichols nowhere teaches or suggests or even hints at executing a graphical program as claimed, i.e., comprising a plurality of interconnected function icons representing graphical data flow of a desired function.

Thus, Nichols fails to teach or suggest this feature of claim 1.

Nowhere does Nichols teach or suggest **providing information describing the user interface of the graphical program to the second computer during said executing**, as recited in claim 1.

Cited col.5:59-62 reads:

> At Box 32, the server builds an HTML response for the browser, using the information from the internal message returned from Box 31 and the response is sent to the browser at box 34.

Applicant respectfully notes that the cited text makes no mention of information describing a user interface of a graphical program to a second computer as claimed. Rather, the cited text describes a server generating an HTML response for a browser and sending the respond to the browser. Nichols nowhere describes this HTML response as describing a user interface for a graphical program, nor providing information describing

a user interface of a graphical program to a second computer during execution of the graphical program.

Thus, Nichols fails to teach or suggest this feature of claim 1.

Nowhere does Nichols teach or suggest **displaying the user interface of the graphical program on the second computer after said providing; wherein the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer**, as recited in claim 1.

Cited col.5:62-65 reads:

> The browser displays the data from the server on a computer screen at box 35 whereupon the user can click on a displayed icon or action button to initiate another browser request to the server at box 36.

Applicant respectfully notes that the cited text makes no mention of displaying a user interface of a graphical program on a second computer as claimed. Rather, the cited text simply describes a browser displaying data received from a server on a computer screen. Nichols nowhere describes displaying a user interface on a second computer for a graphical program running on a first computer, where the user interface facilitates interaction between a user of the second computer and the graphical program executing on the first computer. Rather, Nichols discloses the user interacting with a mainframe computer from another computer via a graphical user interface, specifically, the hardware management console (HMC). Applicant respectfully notes that none of the HMC, the mainframe computer, or the browser display is a graphical program as claimed.

Thus, Nichols fails to teach or suggest this feature of claim 1.

Thus, for at least the reasons provided above, Applicant submits that Nichols fails to teach or suggest all the features and limitations of claim 1, and so claim 1 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Claims 28 and 51 include similar limitations as claim 1, and so the above arguments apply with equal force to these claims. Thus, for at least the reasons provided

above, claims 28 and 51, and those claims respectively dependent therefrom, are patentably distinct and non-obvious over the cited art, and are thus allowable.

Removal of the section 102 rejection of claims 1-15, 18-20, 26-37, 45-56, and 58 is respectfully requested.

Section 103 Rejections

Claims 16, 17, 21-25, 38-44, and 57 were rejected under 35 U.S.C. 103(a) as being unpatentable over Nichols in view of Kodosky et al. (US 4,901,221, "Kodosky"). Applicant respectfully disagrees.

Applicant notes that since independent claims 1, 28, and 51 were shown above to be patentably distinct and non-obvious, and thus allowable, their respective dependent claims are similarly patentably distinct and non-obvious, and allowable. However, Applicant also submits that various ones of the dependent claims include further novel limitations not taught by the cited art.

For example, regarding claim 16, the Office Action admits that Nichols fails to disclose **providing information regarding a block diagram of the graphical program; and displaying the block diagram on the second computer, using the information regarding the block diagram**, but asserts that Kodosky remedies this admitted deficiency of Nichols, citing col.14:55-58, Figures 20a-l, Figure 22, and col.17:15-21.

Applicant has reviewed the citations, and Kodosky in general, closely, and respectfully notes that Kodosky's display of the block diagram is described as occurring on the same computer upon which the graphical program (block diagram) resides, and thus, Applicant respectfully submits that Kodosky actually teaches away from Applicant's invention as represented in claim 16. Moreover, neither Nichols nor Kodosky discloses or even hints at displaying a block diagram of a graphical program on a different computer than that upon which the block diagram resides.

Moreover, Applicant respectfully submits that the Office Action has not provided a proper motivation to combine.

As the Examiner is certainly aware, to establish a prima facie obviousness of a claimed invention, all claim limitations must be taught or suggested by the prior art. In re

Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974), MPEP 2143.03. Obviousness cannot be established by combining or modifying the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion or incentive to do so. In re Bond, 910 F. 2d 81, 834, 15 USPQ2d 1566, 1568 (Fed. Cir. 1990).

In addition, the showing of a suggestion, teaching, or motivation to combine prior teachings "must be clear and particular . . .. Broad conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'." *In re Dembiczak*, 175 F.3d 994, 50 USPQ2d 1614 (Fed. Cir. 1999). The art must fairly teach or suggest to one to make the specific combination as claimed. That one achieves an improved result by making such a combination is no more than hindsight without an initial suggestion to make the combination.

The suggested motivation, "to introduce parallelism into a computer system, which usually increases the speed and efficiency of the system", is simply a statement of presumed benefit of Applicant's claimed invention, using claim 16 as a blueprint, which is improper. Additionally, this motivation to combine is never suggested or even hinted at in Nichols or Kodosky. Applicant further notes that the suggested motivation to combine could apply to any technique that utilizes parallelism, and so is not "clear and particular" with respect to the subject matter of claim 16. Thus, Nichols and Kodosky are not available for use in combination to make a prima facie case of obviousness.

Moreover, Applicant respectfully submits that even were Nichols and Kodosky properly combinable, which Applicant argues they are not, the resulting combination would still not produce Applicant's invention as represented in claim 16, as discussed above.

Thus, for at least the reasons provided above, Applicant submits that Nichols and Kodosky, taken singly or in combination, fail to teach or suggest all the features and limitations of claim 16, and so claim 16 and those claims dependent therefrom are patentably distinct and non-obvious over the cited art, and are thus allowable.

Similarly, regarding claim 17, nowhere does Kodosky (or Nichols) disclose editing a graphical program remotely, e.g., from a second computer, using a display of

the block diagram of the graphical computer (which resides on a first computer) shown in the second computer.

Applicant also asserts that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Removal of the section 103 rejection of claims 16, 17, 21-25, 38-44, and 57 is earnestly requested.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above-referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. The Commissioner is hereby authorized to charge any fees which may be required or credit any overpayment to Meyertons, Hood, Kivlin, Kowert & Goetzel P.C., Deposit Account No. 50-1505/5150-38605/JCH.

Respectfully submitted,

/Jeffrey C. Hood/

Jeffrey C. Hood, Reg. #35198
ATTORNEY FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: 2007-08-23 JCH/MSW